

APPENDIX F

Project Delivery and Timely Use of Funds Policy

PROJECT DELIVERY ASSISTANCE

- The CMA will provide consultant services to assist in monitoring the implementation of projects programmed to receive state, federal or TFCA funds programmed by the CMA. This service will include ongoing management of a project monitoring database and development of a quarterly status report on the delivery status of projects programmed to receive state, federal funds or TFCA funds programmed by the CMA. The Consultant will also meet with Caltrans local assistance on a monthly basis to review the status of the Caltrans review of Alameda County projects.
- The CMA will provide consultant services to project sponsors to assist in the delivery of state, federal or TFCA funded projects programmed through the CMA. This assistance will include project delivery workshops for all sponsors and development and management of a project delivery website where sponsors can post project delivery questions and receive project delivery assistance. Due to budget limitations in the CMA's project oversight contract, one on one on call assistance will likely be limited to the review of documents and answering questions relative to a specific funding program. Sponsors that require assistance beyond this level, such as completing documents that are required for project delivery, can contract with the CMA's oversight consultant directly or request the CMA expand the current scope of work on a task order basis to provide the necessary support. Any additional task order work completed through the CMA contract will be reimbursed to the CMA from the local agency receiving the support. Billing rates for any additional support work will be based on the rates in the current CMA contract with the oversight consultant.
- Agencies receiving funding through the CMA will, as part of the application process, submit to the CMA a baseline schedule for project delivery. The CMA's project monitoring consultant will provide assistance to sponsors in the development of the baseline schedule to insure that all required state and federal approvals are accounted for in the schedule. Agencies agree to provide the CMA with quarterly updates on project delivery status (sample form attached) and to notify and seek the CMA's concurrence on any significant changes to the project delivery schedule, scope or cost. The baseline schedule will identify major milestones for each project that are critical for timely delivery of the project. These milestones will likely include start and end dates for: environmental clearance, development of PS&E, acquisition of right of way and construction of the project. Deadlines associated with any timely use of funds provisions such as Caltrans or CTC authorizations and/or approvals will also be identified.
- The CMA will host a workshop on project delivery after the adoption of every state/federal/TFCA program by the CMA Board. The workshop will review the project delivery requirements of the particular funding program(s) adopted by the CMA and provide an opportunity for project sponsors to have questions related to the specific program answered by both CMA staff and staff from other

agencies that may have project approval authority (i.e. Caltrans, the Air District, MTC). Attendance at this workshop will be mandatory for all project sponsors.

EXTENSION AND REPROGRAMMING REQUESTS

The CMA will consider the following prior to endorsing an extension or reprogramming request:

- Are the circumstances causing the delay truly “extraordinary,” or an oversight during project planning? Although the circumstances may be unforeseen, baseline project schedules should incorporate risk factors related to unknowns. Are these circumstances “beyond the control” of the implementing agency. Sponsors requesting extensions or reprogramming will be required to provide justification why the circumstances causing the delay are “extraordinary and beyond their control.”
- Has the project sponsor exercised due diligence in the delivery of the project and is such diligence documented? Have previous milestones in the project delivery scheduled been met and has the CMA been notified of and concurred with any changes to the schedule? The CMA should be notified when a delay situation, or potential delay situation, arises in order to be prepared to review the request and to take whatever action may be required to assure no loss of funding to Alameda County. Sponsors requesting extensions or reprogramming must demonstrate that previous milestones identified in the baseline schedule as critical to the delivery of the project have been met, or that the CMA was notified and concurred with any potential delays to the project schedule.
- If the CMA were to grant an extension or reprogramming, how prepared is the sponsor to meet future delivery deadlines? Failure to meet the initial project delivery deadline – project allocation approval – will result in the funds being deprogrammed from the project but returned to the county share. However, once the initial allocation has been received, failure to meet any future SB 45 deadlines will result in a loss of funds to both the project and the county. Sponsors requesting extensions or reprogramming requests must provide the CMA with a revised schedule for project delivery and a strategy for resolution of the problem that is causing the delay in project delivery. This revised schedule will also provide detail relating to the impact this delay and modified schedule may have on other projects sponsored by the respective agency. The CMA will consider the circumstances causing the project delivery delay and the impact on other projects being implemented by the sponsor and may deny the extension or reprogramming request until the sponsor can demonstrate an acceptable resolution to the problem causing the delay.

TIMELY USE OF FUNDS POLICY

- Any project sponsor that fails to meet a timely use of funds deadline that results in a loss of programmed funds to Alameda County will be penalized in a future state or federal funding cycle an amount equal to the funds that were lost to Alameda County.
- This policy will apply to all funding programs administered by the CMA. Projects programmed to receive TFCA funds will be subject to all additional delivery requirements included in the CMA’s adopted TFCA Timely Use of Funds Policy.